

REMARKS

I. Prosecution History.

At the time of issuance of the outstanding Office action, claims 1-8 and 12 were pending in the application. In an Office action (Paper No. 25) dated May 9, 2003, the Patent Office rejected claims 1-8 and 12 under 35 U.S.C. § 251 for a defective supplemental reissue application declaration and required that either the original patent or a statement as to loss or inaccessibility of the original patent be transmitted to the Patent Office.

II. The Patent Office's rejection of claims 1-8 and 12 under 35 U.S.C. §251 has been rendered moot and should be withdrawn.

At page 1, paragraph 2 of the Office action, the Patent Office rejected claims 1-8 and 12 under 35 U.S.C. § 251 for a defective supplemental reissue application declaration. Attached is a supplemental reissue application declaration by the inventor that incorporates the language suggested by the examiner. Because the bases for rejection of this claim is now moot, the rejection should be withdrawn.

III. The Patent Office's rejection required statement as to inaccessibility of the original patent is attached herewith and the reissue application should be allowed.

At page 1, paragraph 3 of the Office Action, the Patent Office required that either the original patent or a statement as to loss or inaccessibility of the original patent be transmitted to the Patent Office. Attached is the original ribboned Letters Patent No. 5,652,245. Because all outstanding requirements have been submitted the applicant respectfully requests withdrawal of the rejection and that a timely Notice of Allowance be issued for all pending claims in the application in view of the foregoing remarks.

Respectfully submitted,

MARSHALL GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
Telephone: 312/474-6300

Date: July 7, 2003

By: 

Mark H. Hopkins, Ph.D.
Reg. No. 44,775